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THE PROBLEM OF A SECOND CHAMBER.

BY

HAROLD J. LASKI.

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THE REFORM OF THE HOUSE OF LORDS.

I.

It is sixty years since Bagehot made his 'severe but friendly critic' of our English institutions remark that the only cure for an admiration of the House of Lords was to go and look at it. In the period that has passed since he wrote no new grounds of eulogy have appeared; and the large number of attempts at its reform in the last half-century are evidence that a term has been set to its present structure.

It lacks, indeed, some of the merits to which it could once lay claim. Sixty years ago, it was a chamber of the old and great families, the men who, almost by inheritance, were charged with the governance of England. To-day, it is a chamber woefully out of tune with all its traditions. One-quarter of its membership has been added in the last three decades. The average peer has gone down into the city; and a list of the positions occupied there by its members would read like a footnote to the list of securities upon the Stock Exchange. It has shown no signs of renewal of spirit. Its debates are as badly attended as when Lord Chatham sarcastically termed it a 'tapestry.' It is still overwhelmingly conservative. It is active, that is to say, only when the Tory party is out of office. Since its adventures with the Liberal government of 1909, it can no longer touch Money Bills; and even ordinary legislation it can, under the Parliament Act of 1911, only delay without the power to destroy. But it remains the protective armament of vested interests. It is certain to spring into new life once a Labour majority in the House of Commons seeks, as it will have to seek, to revise the foundations of the state. For the handful of Labour peers could not, even with Liberal support, hope to pass there any drastic measures about which deep feeling was aroused. For two years, at any rate, the House of Lords could delay them by using its temporary veto; and that would mean, in all probability, the wastage of the first half of the Parliament in which Labour, for the first time, had the opportunity of creative legislation. No one can confront that danger with equanimity.

A new situation, however, has come into existence. A Tory government is in office with the largest majority that party has enjoyed since the Reform Act of 1832. It is being pressed, not unintelligibly, to reform the House of Lords before the next general election, so that any possible Labour government in the future shall be confronted with a strong Second Chamber capable of opposing a

stout front to what are called dangerous innovations. We do not, of course, know what scheme the Baldwin Government is likely to adopt. We know only that its purpose will be to strengthen the Upper House against the power of the Commons. We can imagine, from the Curzon Resolutions of July 19th, 1922, that its basis will be a combination of (*a*) Peers of the Royal Blood, Lords Spiritual, and Law Lords; (*b*) Members elected from outside, perhaps directly, perhaps indirectly; (*c*) Hereditary Peers elected from among themselves; (*d*) Members nominated by the Crown. The House, so constituted, will probably be smaller than at present; and those elected under (*b*) and (*c*) will probably sit only for a term of years, though they will be re-eligible. Occasion will be taken, while retaining the supremacy of the House of Commons in finance, to restore the full veto of the House of Lords in other matters. What would be the effect of such changes?

They would undoubtedly make the problems of a Labour government with a majority even more difficult to solve than they would be with the present House of Lords. For the latter dare not tamper with any measures which have the considered support of the electorate behind them; and, if it did, it could always be compelled to submit by the creation of enough new peers to alter its complexion favourably to Labour. But a revised Chamber would have a fixed composition, unalterable save with its own consent; and it is important to realise what that composition would be. Let us take each section of its probable membership separately. (*a*) Peers of the Royal Blood are innocuous and unimportant since, by tradition they do not vote. The Lords Spiritual are, with rare exceptions, wedded firmly to the *status quo*; and there is hardly a Law Lord to-day, and but few conceivable Law Lords, whose opinions are likely to be progressive in temper. (*b*) The elected members will have a character which depends largely on the nature of the constituency adopted. If this is geographical and direct, as now, they will probably be conservative, since the larger size of the constituency, the problems of publicity consequently involved, favour the candidates with more money to spend on making themselves known; for you cannot address one or two hundred thousand electors cheaply. If the basis is indirect, and such bodies as the municipal and county councils are allowed to choose them, they are, again, especially in the counties, likely to be conservative; and since indirect election is, as American experience with the Senate has strikingly shown, the nurse of corruption, they will probably, in the towns, represent the big interests, and, in the counties, the landowners and farmers. If the basis is professional, and an attempt is made to secure an occupational franchise, the power of Capital and Labour will, at best, be equally balanced; and this, with the other sections of the Chamber, will be sufficient to place Labour in a permanent minority. (*c*) The hereditary peers will clearly be Conservative; there are only seven or eight Labour peers in the House of Lords, and even the Liberals represent less than one-sixth

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of the whole peerage. It should, moreover, be noted that the term of office of these selected members under (*b*) and (*c*) is likely to be some such considerable period as seven or ten years. For it will be argued that this ensures continuity and stability in the Second Chamber, and prevents it from being the prey of temporary passion in the electorate. But it is the plain lesson of all electoral history that one chamber is bound to quarrel with another if they are chosen at different times by the people. It was that difference of electoral period which, in 1918, wrecked the programme and ideals of President Wilson.

There remain the members who are to be nominated by the Crown. Obviously, some technique of qualification will have to be adopted. What is it likely to be? Certain obvious categories of nomination suggest themselves. We shall be given pro-consuls and retired Ambassadors, men like the late Lord Cromer and the late Lord Bertie; retired politicians who have grown too old to stand the heat and stress of the House of Commons; one or two distinguished clergymen from the Nonconformist churches, together with, perhaps, a Roman Catholic Archbishop, and the Chief Rabbi; some representative scientist like the President of the Royal Society; a half-dozen retired generals and admirals; great business men like the Governor of the Bank of England, and the President of the Federation of British Industries; some outstanding figure in the Trade Union world; some such notability in local government as the chairman of the County Councils Association; and, it may even be, a representative of the Livery Companies of London. However, in fact, these categories are determined, they are almost inevitably, bound with the single exception of the Trade Union representative, to be hostile to Labour. And it must be remembered, further, that these Crown nominees would be chosen by a Conservative Prime Minister; and that, if they served for a term of years only, their successors would, in all probability, be chosen also by a Conservative. Any such reform as this scheme involves, therefore, means a Second Chamber vaccinated against Labour ideas, and with authority to reject all measures other than financial bills greater than the House of Lords has possessed since 1832.

That way, frankly, lies disaster. For it would be useless to reform the House of Lords unless the new body were intended to be active; and if such a chamber as this were active, it would come immediately into active collision with the first Labour Government which took office with a majority. It would reject such measures as Mr. Wheatley's Bill against profiteering in building materials; such bills as attempted to set up a legal minimum wage, or the nationalisation of mines. It would contain practically no hostile voices to attack its predominant temper, and it would leave accordingly the impression that the whole impact of propertied interests was arrayed against the popular will. Such an impression is bound to create a revolutionary temper. It suggests that property is, of set purpose, entitled to a

predominant interest in the state. That view is directly antithetic to the position Labour occupies; for Labour is, as a democratic party, bound to insist that the state is built upon the rights of persons regarded as equally entitled to share in the gain and toil of living. If therfore, its view of what constitutes an equal share is deliberately obstructed by constitutional reaction, it will have no alternative but to seek its end along different paths.

II.

But it is important to discuss in general the theory of a second chamber, before we can arrive at any view of its functions and composition. It is usually argued that it is necessary for three purposes:— (*a*) to check the rashness of the lower House, its tendency, that is, to leap at unwonted and unwise measures in the passionate aftermath of an election, (*b*) to revise the measures of the lower House in order to correct errors of drafting and to draw attention to points and principles that have been overlooked in the primary debates, (*c*) to bring into public life types of character and experience that are not likely to be selected for such service by the ordinary electoral process.

Let us take each of these arguments separately. The theory that a single chamber is normally precipitate is unsupported by any serious evidence in English history. The movement for the reform of the Franchise is usually dated from 1769; the first Reform Act is 1832. Each subsequent Act took, on the average, thirty years to reach the Statute Book. It took half a century of political conflict to realise the principle of Home Rule for Ireland. The Combination Acts were repealed in 1824; but it was fifty years before Disraeli gave the trade unions a recognised status in English law. A proper system of national education was demanded during the Napoleonic wars; but the ideal was not achieved, and then in but a partial fashion, until the Forster Act of 1870. Or, in another field, we may take the main items in the programme of the Labour Party. Practically all of them have been the subject of public discussion for a generation; and their failure to achieve the form of a government project has been due, not to the absence of debate, but to the fact that no party representative of Labour has, until 1924, attained political office. Or, again, we may take a third test. It is the English habit, when some problem is ripe for solution, to appoint a Royal Commission to make recommendations upon it; and, on the average, it takes some fifteen years to persuade a government to legislate upon the subject of its reference. The observer, indeed, of the House of Commons will be tempted to accuse it, on its record, not of precipitancy but of amazing slowness in the disposal of great issues.

Sometimes the argument against rashness takes another form. Great changes, it is said, ought to be supported by a clear majority in the House of Commons; but unless we have a second chamber with at least the power of delay, they might well be passed by a

single vote. Or there are measures brought in by a government, and supported by the power of its majority, to which public opinion is decisively opposed, measures, for instance, of moment passed by a House of Commons on the verge of dissolution, or in a sudden bnrst of fear or temper. A government may definitely conspire against the the power of the people and, like the younger Pitt or Lord Sidmouth, use the mechanisms of the House of Commons to achieve that end. So, for example, Mussolini used the processes of Italian parliamentarism to pass his recent and vicious scheme of proportional representation. Such a House of Commons, unless a check existed upon its power, might well vote to prolong its own life indefinitely; and short of revolution there would be no means of terminating its usurpation of popular authority.

But abstractions of this kind are hardly related to reality. No government is likely to attempt great changes unless it is fairly certain to command general support for them; to carry, for instance, a bill for the nationalisation of mines by a single vote would so diminish the prestige of a ministry as almost certainly to involve its downfall. The sudden fit of fear or temper is, historically, much more prone to effect a Conservative government than any other. It is men like the Duke of Northumberland who ask for panic measures; and a second chamber composed, as it would normally be composed, of solid and middle-aged men is exactly the type of assembly to be swept off its feet by evidence produced to prove the need of 'panic' legislation. Men like Lord Danesfort and Lord Sydenham are the ideal assistants to a government which seeks the curtailment of liberty. And if this is the object a second chamber is intended to to prevent, it is much more simply achieved by a written constitution in which the abrogation of such statutes as Habeas Corpus is made especially difficult of attainment by any government. So, also, no government, under such a scheme, could be permitted to prolong the life of the House of Commons.

The second argument is decisively contradicted by all that we know of legislative assemblies the world over. The technical amendment of bills, the niceties of drafting, the realisation of probable result, are all of them highly expert matters. They are much more likely to be done effectively by half-a-dozen people meeting privately than under the full panoply of a legislative debate. The need to make bills adequate to their principle is ground for the prior consultation (*a*) of the interests likely to be effected by them, and (*b*) of men like the late Lord Thring, or Sir H. Jenkyns, who had a definite genius for giving form to measures. But it is difficult to treat seriously the belief that the Archbishop of Canterbury, or an ex-Viceroy of India, or the President of the Federation of British Industries, have anything of value to contribute in so expert and delicate a realm as this. Amendment and debate in a chamber, as distinct from a committee, always involve the crudity it is the purpose of this revision to avoid.

Nor is the third argument at all attractive. It is the primary thesis of democratic government that those by whom the people are ruled shall be directly chosen by themselves. If a man is unwilling or unfit to submit to the mechanisms of popular choice, he ought not to be imposed as a governor upon the people. There are many methods whereby any special competence that he possesses can be made available to a government which desires to use it. And it is noteworthy that, with the single exception of Lord Rosebery, every member of the House of Lords who has attained eminence in the House of Lords during the last half-century had already distinguished himself in the House of Commons. That is true of Lord Beaconsfield, Lord Salisbury and Lord Balfour on the Conservative side; it is true of Lord Courtney, Lord Morley and Lord Bryce on the Liberal. In a democratic society no one is entitled to the palm without the dust; yet that is exactly what is involved in this proposal. If men of great intellectual distinction desire a place in public life, they will always be able to find it; and if they are permanently rejected by the electorate they are not entitled to creep into it by a door over which the citizen-body cannot stand on guard.

So much for the supposed special advantages a second chamber affords. But we must not neglect the difficulties of finding an authoritative second chamber that does not raise far greater difficulties than it solves. Let us take the possible methods of choice and consider the difficulties to which they give rise. (1) If the second chamber is nominated by the government it will, as the Canadian Senate has made plain, be simply a partisan body to which no authority attaches. If it is nominated by outside bodies, whether territorial or vocational in character, it will certainly be narrow, and possibly corrupt. And selection upon a vocational basis would raise the insoluble issue of finding suitable units of choice. Anyone who considers the history of the German Economic Council will discover that no such vocational body can ever be entrusted with more than advisory powers. For any unit selected is not only a *pis aller*, but it lacks that simplicity and directness which are the first necessities in a legislative system.

Nor is election in better case. If it is direct, it may either be simultaneously with that of the House of Commons, in which case its composition will be, in all probability, similar to that of the latter; and it will then, for party reasons, pass the legislation which comes before it without much difficulty. If it is elected at a different time, it will probably have a different composition; and in that event it will mainly tend to wreck the legislation of a government to which it is hostile. It is a general truth that if a second chamber agrees with the first, it is superfluous; while if it disagrees, it is obnoxious. For, in the first case, it merely involves the wearisome reiteration of argument already sufficiently ventilated; and, in the second, it transfers the volume of discussion away from the substance of the problem involved to matters of constitutional form, and hinders that primary

function of an executive which consists in driving an ample legislative programme to the statute-book. This truth has been made elementary, not only by the relations between the Senate and the House of Representatives in the United States, but also by colonial experience, particularly in Australia. And everyone will remember how the controversy with the House of Lords, after 1909, completely wrecked the social programme of the Liberal government. A directly elected second chamber, it may be added, would have so much more authority than one built upon nomination, that we may expect rather an addition to than a subtraction from, the difficulties it creates.

It might, however, as with the Senate of the United States before 1913, be chosen by indirect election. We might, for instance, group together the local authorities of this country into electoral units returning some suitable quota of representatives. But this will not obviate the difficulty of securing a chamber likely to work with the House of Commons; for since the local authorities are elected for a fixed term of office, their complexion will bear no relation to the mood of the people in judging general political issues at a dissolution. Such an electorate, moreover, would be too small to provide a sufficient basis of authority for an assembly with effective power. It would, from its very nature, tend to parochialism; and its relationship to the legislative assembly would introduce undesirable and unreal issues into the politics of local government. Anyone, moreover, who realises how intensely our local bodies, especially by reason of the fact that service upon them is unpaid, are weighted in the interest of the wealthy ratepayer, will be able to measure the degree to which they would handicap the choice of more progressive representatives for the second chamber. And if indirect elections were built upon occupation as distinct from neighbourhood there would be the two problems (*a*) of finding suitable units of representation and (*b*) balancing the interests of capital and labour. The first, I have urged, is insoluble; and the second, if the principal of equality were adopted, would clearly destroy the effectiveness of the Assembly.

I have already discussed the idea of a second chamber built upon some fusion of these principles. It is clear that Labour cannot accept the principle of representation built upon the hereditary peerage in any shape or form. Because a man (or woman) has been careful in the selection of his parents is no ground for giving him a especial authority in the legislative power of the state. Nomination, as I have pointed out, will inevitably result in partisan choice; and, especially in a capitalist society, it affords no categories of qualification that do not involve a permanent weighting of the scales against those with little or no property. A small infusion of elected persons raises all the difficulties of suitable constituencies, and, in any case, would not balance the defects of nomination and of election by and from the peerage.

III.

These difficulties, however, are small compared to the problem of powers. What is a second chamber to be able to do? It is universally agreed that it cannot have powers superior to those of the House of Commons; and it is generally admitted that it ought not to be able to amend or defeat those measures which the Speaker agrees, under the Parliament Act, to certify as financial. Anyone, indeed, who considers the relationship of equality between the Senate and the House of Representatives in America upon financial measures will realise why this is the case. The result is to allow every petty interest to magnify its opportunity of corrupt influence; and where the second chamber is small, this opportunity is at a maximum.

The relationship, therefore, finance apart, between the two Houses may be one either of equality or of inferiority. The first creates insuperable difficulties. It cannot, in the first place, be maintained; for to any assembly with the taxing-power there is bound to gravitate both the interest of the electorate and the prestige of authority. But, this apart, equality is bound to mean deadlock whenever great issues are in debate. Deadlock, in its turn, means, ultimately, either dissolution or conference. The latter is unsatisfactory because there are too many issues on which compromise—the real purpose of conference—is impossible; a government, for instance, which had brought in a bill for the nationalisation of the mines, could not accept amendments from the second chamber intended to transform it into a scheme like that advocated by Sir Arthur Duckham. The power absolutely to reject is inevitably the power to dissolve; for a government which cannot get its programme through must inevitably seek a new lease of authority. But no government can be expected to live a creative life with such a sword of Damocles suspended over its head. It exists essentially to legislate on the basis of principle; and if the principle it adopts is to be found unsatisfactory, the only body morally entitled to say so is the electorate as a whole. The problem of equal powers, moreover, raises the question of the relationship of the executive to the second chamber, and especially that of the Prime Minister. Every legislative assembly is jealous of its dignity and its honour. Equality would mean a demand for the presence in debate of those primarily responsible for measures; and, under the pressure of modern parliamentary conditions that would involve an intolerable strain upon members of the Cabinet. It is the subordination of the House of Lords that enables ministers to devote themselves to the Commons.

The second chamber must, therefore, be inferior in power to the first. What does inferiority imply? It involves, I suggest, the possession of four powers: (*a*) There must be the power to ask for information, including the right to demand papers and to appoint committees of investigation. (*b*) There must be the power to pass

resolutions, it being remembered, as Lord Mansfield said, that the resolution of a single chamber while it "looks like a legislative act, has yet no force nor effect as law." (*c*) There must be a power to attempt the amendment of bills. (*d*) There must be a power to delay the passage of legislation for some period.

Obviously, only the third and fourth of these powers raise any problems of importance. Amendments may be either of detail or of substance. If they are of the first type, it will surely not be difficult to persuade a government either to accept them or to effect some suitable arrangement. If they are of the second type, their fate must be dependent, clearly, upon the will of the House of Commons. That will, in its turn, depends upon the decision of the government, at least in the normal instance; and it therefore seems to follow that rejection of amendments of substance must be final. For, otherwise, insistence on either side produces a deadlock; and it is the hypothesis of inferiority that no deadlock is admissible.

The power to delay is a far more complex matter. It raises a multiplicity of questions, none of which can be answered in a direct way. What, for example are to be the conditions of delay? Is the belief that a bill is a bad bill ground for its rejection by the second chamber? Or because, the latter body believes that public opinion is hostile to it? Or because, at the last general election, the government obtained no mandate for such a measure? But, in the first case, the House of Commons feels differently, and it is, from its nature, a more authoritative assembly. Merely on the ground that it dislikes the bill, a second chamber cannot legitimately reject any more than the Supreme Court of the United States can reject legislation because it believes it to be unwise. In the second case, further, there is no reason to assume that the second chamber is more likely to be sensitive to the demands of public opinion than the House of Commons. The members of the latter body will pay more dearly for errors of judgement. They are more likely to be informed of the total popular view. They are certain, upon grounds I have already pointed out, to be more closely in touch with the opinion of the working class. And an estimate of public opinion is not, after all, an easy matter. Does it mean opinion that appears in the press? Or what is received from such organised bodies as the Chamber of Commerce? No act, clearly enough, is more subtile or more delicate than that of gleaning the mind of the public; and no second chamber is so likely here to be right as to make its view worth more than that of the House of Commons. So, also, with the mandate. For it is, firstly, always difficult to pick out the issues upon which a party has been victorious at the polls; and it is, secondly, clear that every government will have, in the intervals between election, to deal with unforeseen problems, and to guess at the solution acceptable to its constituents. That is the case in the event of war — as formidable a solution as can be attempted. The social environment does not remain static; and the theory of a mandate is, in general, only a

means whereby the forces hostile to some particular legislation seek to prejudice its merits in the eyes of the nation.

There is, also, the problem of over how long the power to delay is to extend. Under the Parliament Act, for instance, if a Bill is rejected by the House of Lords, it does not become law until it has again been passed by the Commons in two further successive sessions. That means, in practice, a delay of practically two years. It means, also, in practice, a power to uproot the foundations of a government's programme for that period ; for the life of any government is built upon its control of the time-table. Most people would, I think, feel that such a power is too great. But what is the alternative? Mr. Lees-Smith suggests a single session, with the proviso that the Speaker should prevent the illegitimate use of the closure in the second discussion of the Bill by the Commons ; but he is assuming a second chamber which reproduces the proportionate composition of the first, and is therefore unlikely to reject a government measure of the first importance.* We are faced, in other words, by the dilemma that if the period of delay is more than a year it disrupts the programme of the government, while if it is less than a year it is hardly worth the expenditure of time and effort involved. The measure, moreover, may be passed by the House of Commons in the last year of its life ; in which case the second chamber is given the power to destroy measures which the government will not, quite possibly, have the power to introduce a second time. And if it is said that a government which feels strongly about a defeated Bill can always, by a dissolution, attempt to get a mandate for its passage, as Mr. Asquith did twice in 1910, the plain answer is, I suggest, that of all constitutional instruments a second chamber not built upon popular election is the most unsuitable to possess the power or compelling reference to the people.

IV.

I suggest, therefore, that whether from the angle of its composition or of its powers, it is, in fact, impossible to discover a satisfactory second chamber in any way able to check the authority of the House of Commons. Where a control is desirable, it can best be attained by limiting the power of the lower House to pass constitutional measures unless a specified majority, which might be as high as two-thirds of its membership, voted in its favour. Outside that narrow realm, the power to control ought to lie in the commonsense of the party in office, on the one hand, and the ultimate judgment of the electorate, upon the other.

I believe. therefore, that single-chamber government provides much the best solution of the problem. That is, of course, to traverse the generally accepted judgment of experience : a bicameral assembly is usually assumed to be the basic dogma of political science. But it is only such a dogma because, as Tocqueville warned us, we

* *Second Chambers in Theory and Practice*, p. 249.

confound our wonted institutions with the necessary foundations of society. We have bicameral government because, for historical reasons, the English Parliament finally became a legislature with two chambers ; and most constitutions have been founded upon that example. The English Parliament, however, developed into its present form only by a series of accidents ; and anyone who examines the nature and history of second chambers in general will discover that their main purpose is at least to delay, and, if possible, to prevent, the disturbance of the *status quo*. They are, in fact, part of the general tactic of conservatism. They enable the propertied interests in a state to interpose a barrier in the way of radical legislation. No one has has ever heard of great progressive measures being insisted upon by the House of Lords or the Canadian Senate or those of Italy or France. No one doubts that great changes ought not to be rashly made ; but few, I take it, will doubt either that they ought not to be opposed merely because they are hostile to the interests of a small section of the community.

And while the accidental history of the English Parliament has built the canon of political theory, it should also be remembered that those states with a single-chambered government have suffered no disaster on that account. Bulgaria may have had a single-chamber ; but pre-war Serbia had two. Costa Rica may have had a single-chamber; but the old Austro-Hungary enjoyed the benefits of bicameralism. "Nowhere in the colonies," writes Mr. Temperley*, "is the Upper Chamber really imposing, in few is it actually powerful, and in many it is regarded as a rather tedious relic of a bygone age." Ontario has suffered no harm from its disappearance ; in New Zealand, in New South Wales and Queensland, it has merely served to fortify the interests of property against the struggle of the poor towards power. Its existence, indeed, in the British colonies and dominions, is mainly the result of that autocratic dread of the multitude so characteristic of the Whig party in the middle part of the nineteenth century ; and it is worth remembering that the protagonist of the bicameral principle, the third Earl Grey, was persuaded by the difficulty of finding a suitable form for the second chamber. "I now consider it to be very doubtful, at least," he wrote in 1853†, "whether the Single legislature ought not under any circumstances to be preferred."

It is worth while, moreover, to remember that there exists in the literature of political science a very respectable body of opinion in favour of single-chamber government. Certainly no one could reject without discussion a view upheld by Franklin, Samuel Adams and Tom Paine in America, and by Turgot, Siéyês, and Condorcet in France. It is noteworthy, also, that there is widespread discontent with the Australian Senate which, when the Constitution was made, was accepted as an axiomatic necessity. It was stoutly opposed in

* H. W. V. Temperley. *Senates and Upper Chambers.* (1910). p. 47.

† See his *Colonial Policy of Lord John Russell's Administration.* Vol. II., p. 96.

the Convention which constructed the Constitution of South Africa. and accepted there only upon the condition that it would be revised after ten years ; if it has remained in the revision of 1920 that is rather because it has proved impotent in practice either to delay or to revise. Indeed, it might be urged with justice that even in a federal state no real necessity for a second chamber exists ; certainly the binding force of party has, in the American senate, proved more than able to transcend effectively the limits of state-boundaries. A Democratic Senator from Florida does not vote in any noticeably different way from a Democratic Senator from Massachusetts on any important issue. Every purpose the Senate is supposed to protect can, in a federal as in a unitary state, be protected by other means.

V.

Tradition, of course, dies hard ; and it is improbable that we shall abolish the House of Lords directly without an attempt at some intermediate experiment. It is, therefore, worth while to enquire what form, given the nature of the problem, that experiment could most suitably take.

The best form, in all probability, is a modification of that which obtains in Norway. After the election of the Storthing the members of that body choose one-fourth of their own number to form the Upper Chamber—the Lagsthing—the remaining three-fourths constituting the Lower Chamber. The Norwegian Parliament acts as a bicameral body only in dealing with ordinary measures. It cannot initiate legislation, though it may revise or reject it. If its amendments are rejected, the two Houses will meet as one, and a two-thirds majority overrides the view of the Upper Chamber. So, also, with cases where bills are definitely rejected. And, clearly, since the Storthing as a whole elects the Upper Chamber, its composition naturally reflects that of the party or parties in power. The system has been in operation for over a century, and it has worked, thus far, quite admirably. The Lagsthing can only delay for three days, and the difference between the two Houses can therefore be settled at once. As a rule, disagreement occurs on matters of detail rather than of principle. The type of member chosen is, of course, broadly an accurate sample of the membership of the Storthing as a whole. It is, moreover, worth while to note that this principle of election of the Upper House by the Lower was excepted as one of its constitutive principles by the Bryce report, and that it has been partially adopted, also, in the new Senate of the South African Union.

With minor changes, such a method could easily be applied to the second chamber in this country. Each new House of Commons, as it met, might choose for its own lifetime a body of some hundred persons in proportion to the strength of the parties in its own composition. It would be better, I think, that they should be elected from outside the Commons than from inside ; since, otherwise, the

fact of popular choice would give the new body an undesirably large authority. This new House should not have the power either to initiate legislation, or to touch financial measures. It should be able to ask questions, and to revise or reject all other bills. But refusal on the part of the House of Commons to accept its amendments should lead to their failure if that refusal is supported by a majority of one-tenth of the Commons ; and, in the event of rejection, a second passage of the bill, one month after rejection, should override the will of the second chamber. The new house could be given, as now, a secretary of state and an under-secretary to represent the government of the day there in debates.

What would be the effect of such a scheme? We should have a second chamber amenable to the will of the popularly elected assembly. It could not control or defeat the purposes of the latter. But it could make known criticisms and objections; it could delay, for a short time, measures that it thought fatally unwise, or definitely counter to public opinion. The real onus of decision would rest, as it ought to rest, with the House of Commons ; and the penalty for error could be inflicted, as it ought to be inflicted, by the electorate. The small size of the House would tend, as it tends in the Committees of the Commons, to make discussion concrete and practical, and there would be less danger than there is in an assembly as large as that foreshadowed in the Curzon Resolutions of eloquence as such being important. Every type of experience it is desired to utilise in a second chamber might find a place there—the distinguished lawyer, the retired civil servant, the trade union leader, the great educationist with a gift for affairs. It might be a useful way of using the authority of men defeated at the general election whose absence would be a loss to public life, and it would give them a suitable platform of continuous influence until they returned to the House of Commons. It would be a chamber with prestige, but without power. It could influence, but it could not determine. It could oppose a government without embarrassing a government ; it could criticise without the opportunity to destroy. Above all, there would be no danger of its functioning as the safeguard of privilege. If a Conservative government was in office, its predominant complexion would be Conservative, if a Labour government was in office it would be, predominantly, a Labour chamber. Those who regard its functions as insignificant, may be reminded that they will be larger than those now exercised by the electorate; and those who consider that the predominance of the House of Commons would be overwhelming, may well remember Bagehot's admirable remark—even truer to-day than when he made it sixty years ago—that the national attention to politics is too incessant to make possible in the House of Commons "a steady opposition to a formed public opinion." Here, of course, as elsewhere, it is urgent that a formed public opinion should exist. For, ultimately, the only true safeguard against legislative error lies in the quality of the national mind.

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